

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 April 2006

Case No.: 2005-LHC-02347

OWCP No.: 13-102580

IN THE MATTER OF

RICHARD KEANE,
Claimant

v.

PACIFIC MARINE MAINTENANCE CO.,
Employer, and

SIGNAL MUTUAL INDEMNITY ASSOCIATION,
Carrier.

DECISION AND ORDER APPROVING SETTLEMENT
AND ATTORNEY'S FEES

This case involves a claim for benefits under the Longshore and Harbor Workers' Compensation Act. On March 28, 2006, the parties submitted a proposed agreement that would settle the claim and provide for the payment of attorney's fees pursuant to the provisions of subsection 8(i) of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 908(i). The agreement does not appear to be either inadequate or the result of duress. As well, the provisions for the payment of attorney's fees in the amount of \$10,826.30 are appropriate. Accordingly, the proposed agreement is hereby approved. While approving the agreement as to attorney's fees, the undersigned specifically notes that no approval is given with respect to any specific hourly rate sought but rather the undersigned approves counsels' agreement as to the reasonableness of the settlement figure agreed upon for fees and costs.

It is further noted that the parties have represented that they have considered the provisions of the Medicare Secondary Payer Act (MSP) found at 42 U.S.C. § 1395y(b)(2) and its implementing regulations at 42 C.F.R. § 411. In approving this settlement, the undersigned is in no way determining Medicare's interests, if any, in this matter or whether Medicare's interests have been adequately protected under the provisions of the MSP.

The parties are ordered to carry out the terms of their agreement forthwith.

A

Russell D. Pulver
Administrative Law Judge

